

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

11 JAMES R GILLETTE,

No C 08-3485 VRW

12 Plaintiff,

13 ORDER TO SHOW CAUSE

14 v

15 ALAMEDA COUNTY SHERIFF'S
16 DEPARTMENT, CALIFORNIA,
17 CHRISTOPHER MELENDEZ, MICHAEL
18 LADNER and ALAMEDA COUNTY,

Defendants.

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19 On June 24, 2008, James R Gillette filed a complaint in
20 the Alameda County superior court alleging violations by defendants
21 of various federal and state laws. Doc #1 at 10-11. On July 21,
22 2008, defendants Alameda County, Christopher Melendez and Michael
23 Ladner (collectively, "Alameda defendants") removed the matter to
24 this court. Doc #1 at 1. The Alameda defendants filed a motion to
25 dismiss on July 24, 2008; the motion was served on Gillette by mail
26 on July 24, 2008. Doc #4 at 7. On July 31, 2008, the clerk filed
27 a notice scheduling the hearing on the motion to dismiss for
28 October 9, 2008 at 2:30 pm. Doc #5. The clerk's notice was served

1 on Gillette by mail on July 31, 2008. Doc #6.

2 Gillette's opposition to the motion to dismiss, if any,
3 was due not later than September 18, 2008. See Civil L R 7-3(a).
4 Gillette has filed no opposition to the motion.

5 Accordingly, the October 9, 2008 hearing on the motion to
6 dismiss is VACATED and Gillette is ORDERED TO SHOW CAUSE in writing
7 not later than October 9, 2008 why this case should not be
8 dismissed for failure to prosecute. FAILURE TO RESPOND BY OCTOBER
9, 2008 WILL RESULT IN DISMISSAL OF THIS ACTION WITHOUT PREJUDICE.

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IT IS SO ORDERED.

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14 VAUGHN R WALKER
15 United States District Chief Judge
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